IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.77147 -M of 2006

DATE OF DECISION: FEBRUARY 9, 2007

Gurnam Singh Mann

...PETITIONER

VERSUS

State of Punjab and another

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. G.S.Sandhawalia, Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.

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Petitioner Gurnam Singh has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.115 dated 11.5.2002 under Sections 447, 506/34 IPC, registered at P.S.Banga, District Nawanshahr, as in this case he has been wrongly declared as proclaimed offender and he is ready to appear before the trial court and furnish his regular bail bonds.

While issuing notice of motion on December 8, 2006, the arrest of the petitioner was stayed subject to the condition that he will appear before the trial court and furnish his regular bail bonds to its satisfaction.

I have heard the counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioner contends that the petitioner is a Non Resident Indian and is permanently living in Canada. Counsel further contends that in the year 2002, the aforesaid FIR was lodged by respondent No.2, in which the petitioner and his other family members have been falsely implicated. However, on 10.2.2003, the petitioner was declared proclaimed offender. Counsel contends that in the said case, though challan was filed, but subsequently, the police during further investigation prepared cancellation report, however, the same was returned by the court. Counsel contends that on a petition filed by the co-accused, proceedings before the

trial court have been stayed. He further contends that all the offences are bailable.

Counsel for the petitioner further contends that in terms of the interim order dated December 8, 2006, the petitioner had appeared before the JMIC, Nawanshahr on 15.12.2006 and furnished his regular bail bonds which have been accepted and attested, and since then he is regularly appearing. Counsel for the petitioner has placed on record a photo-copy of the order dated 15.12.2006 passed by the JMIC, Nawanshahr.

In view of the above and for the facts stated above, the interim order dated December 8, 2006 is made absolute.

Disposed of accordingly.

February 9, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE